IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 3117 of 2002

For Approval and Signature:

HONOURABLE MR.JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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STATE OF GUJARAT - Petitioner(s)

Versus

ARJANJI MOHATJI THAKORE & 1 - Respondent(s)

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Appearance :

GOVERNMENT PLEADER for Petitioner(s) : 1,
RULE SERVED for Respondent(s) : 1 - 2.

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CORAM : HONOURABLE MR.JUSTICE KS JHAVERI

Date : 28/11/2005

ORAL JUDGMENT

1. By way of this petition, the petitioner has challenged the award dated 10.03.2000 passed by the Labour Court, Kalol in Reference (LCK) No. 361/97 whereby the Labour Court has directed the petitioner to reinstate

the respondent with continuity of service.

2. The brief facts of the case are that the respondents were working as daily wagers in the establishment of the petitioner-Irrigation Department. They were alloted the duty of watchmen and worked for 16-20 hours a day. Moreover, they also provided water to the farmers, collected money from them and also performed the duty of canal repairing. They had also been working for more than 240 days a year. When the respondents asked for their allowances, they were verbally terminated from service without being served with any notice or notice pay. Aggrieved by this, the respondents raised an industrial dispute which was in turn referred to the Labour Court, Kalol for adjudication. The Labour Court after hearing the parties passed the aforesaid award.

3. Learned Counsel for the petitioner contended that the Labour Court while adjudicating the reference has not dealt with the very vital and important aspect that the petitioner is not an industry. Hence, he submitted that the award is required to be quashed and set aside.

4. The matter was admitted by this court because of the

conflicting view whether the Irrigation department is an industry or not. The issue has now been settled by the full bench decision of this court in the case of G.F.P.G.F.W union v State of Gujarat reported in 2004(2) GLR 1488. As a result of hearing and perusal of record, I am in complete agreement with the reasoning of the Labour Court qua reinstatement.

5. In that view of the matter, the award of the Labour Court is confirmed. However, continuity of service can be given only for the purpose of counting seniority and for other purposes except monetary benefits. Rule made absolute accordingly with no order as to costs.

(K.S. JHAVERI, J.)

Divya//